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# Security Council

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## Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Yugoslavia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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## Annex

[Original: English]

### Letter dated 24 December 2001 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to enclose herewith the report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure). I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Dejan **Šahović**
Ambassador
Permanent Representative

## Enclosure

### Report of the Federal Republic of Yugoslavia to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

For the purpose of implementing UNSC resolution 1373 (2001) of 28 September 2001, the Government of the FR of Yugoslavia adopted at its meeting held on 11 October 2001 the Conclusions on a series of measures to be taken at the national level to combat international terrorism. The Government supported all measures contained in resolution 1373 (2001), the Conclusions of the European Union of 21 September 2001, as well as the positions of other international and regional organizations related to combating international terrorism. It was decided that the FR of Yugoslavia become a party to all major international conventions related to combating specific aspects of international terrorism, to which it has not acceded so far. It was also decided to step up, in line with resolution 1244 (1999), cooperation between the Coordinating Centre for Kosovo and Metohija and UNMIK and KFOR with a view to preventing and suppressing acts of terrorism.

With a view to coordinating better the implementation of all decisions taken by the Federal Government and preparing the Report of the FR of Yugoslavia to the United Nations Security Council, an inter-departmental Working Group has been established, composed of the representatives of the following Federal and Republican Ministries and institutions:

- Federal Ministry of Foreign Affairs
- Federal Ministry of the Interior
- Federal Ministry of Defense
- Federal Ministry of Finance
- Federal Ministry of Justice
- Federal Ministry of Transport and Telecommunications
- Federal Customs Administration
- National Bank of Yugoslavia
- Ministry of the Interior of the Republic of Serbia

The Working Group had an exchange of views on all aspects of combating international terrorism. At the meetings of the Group, a number of proposals and initiatives were advanced in order to amend the Yugoslav legislation and bring it in line with UNSC resolution 1373 (2001) and relevant international conventions.

In line with the operative paragraph 6 of resolution 1373 (2001), the Government of the FR of Yugoslavia submits the following Report regarding the Guidelines for the implementation of the resolution:

#### Operative paragraph 1

**(a) What measures if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?**

The Federal Law on Money Laundering has been enacted ("Official Gazette of the FRY", No. 53/2001). This Law provides for measures and actions to be taken by all relevant agencies, such as banks and other financial organizations, postal savings banks, National Bank of Yugoslavia - Department of Accounting and Payments - insurance companies, stock exchanges, stock brokers and all other agents involved in monetary transactions. Substantial fines have been provided for those violating this Law, as well as punishments (one to eight years in prison).

In October 2001, the Governor of the National Bank of Yugoslavia issued instructions to the Association of Banks and Other Financial Organizations of the FR of Yugoslavia, requesting them to tighten controls in line with the provisions of UNSC resolutions 1267, 1333 and 1373 and, specifically, to examine documents related to

accounts held by foreign persons in Yugoslav banks. Until the completion of this Report, the relevant Yugoslav banks found no trace of accounts or institutions that may fall under the scope of the said resolutions.

Since the FR of Yugoslavia signed the International Convention for the Suppression of the Financing of Terrorism, its national legislation will be adjusted accordingly.

**(b) What are offences and penalties in your country with respect to the activities listed in this sub-paragraph?**

In view of the fact that the FR of Yugoslavia has not yet ratified the International Convention for the Suppression of the Financing of Terrorism, Yugoslav laws do not incriminate the raising of money and making it available for financing terrorist acts. However, these acts would be punishable under general provisions of laws on crime, i.e. the provisions on punishing incitement. Under Article 24 of the Criminal Law of the FR of Yugoslavia, a person that knowingly assists another person in committing a criminal act shall be punished as if he/she himself/herself committed the act, but may be given a more lenient punishment. Incitement is understood as any act that may contribute to the commission of a criminal act, especially: giving advice or instructions as to how to commit a criminal act; making funds available to the perpetrator to commit a criminal act; facilitating the commission of a criminal act; and a promise given beforehand to cover up the acts committed and funds used to commit a criminal act and to remove the traces of a criminal act or items acquired in the commission of a criminal act.

**(c) What legislation and procedure exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

There is no special law in the FR of Yugoslavia that may serve as a basis to freeze accounts in banks and financial institutions. However, according to the general provisions of the Law on Criminal Procedure relative to the temporary seizure of items related to a criminal act, and in view of an obligation to ban financial resources related to terrorism on the basis of the interpretation of Article 210 of the Law on Criminal Procedure, it is possible to ban temporarily the use of financial resources deposited only in accounts of legal persons.

**(d) What measures exist to prohibit the activities listed in this sub-paragraph?**

As to measures that may contribute to the detection of the financing of terrorism and/or the seizure of the funds intended for financing terrorism, it is emphasized that a new Law on Criminal Procedure is expected to be adopted in the FR of Yugoslavia by the end of 2001 providing for greater law enforcement powers to control financial transactions related to criminal acts. For example, Article 234 of the Law envisages that, if the investigating judge has a reason to believe that a criminal act punishable with ten or more years in prison has been committed, he/she may, at a request of the State Prosecutor, order a banking, financial or other organization to provide information about defendants' business or personal accounts. Also, the present Law on Criminal Procedure (Article 211) and the new Law on Criminal Procedure (Article 82) provide for a possibility that items which are to be seized or which may be used as evidence in criminal proceedings may be temporarily seized. Under Article 67 of the Criminal Law of the FR of Yugoslavia, these items are the items used or intended to be used for the commission of a criminal act or created as a result of the commission of a criminal act. Under Article 500 of the Law on Criminal Procedure, these items may be seized even if the defendant is not found guilty if so required by the interests of general security and moral concerns. On this basis, financial resources meant for the commission of criminal acts constituting international terrorism may be seized either temporarily for the duration of the criminal proceedings or permanently upon its completion.

**Operative paragraph 2**

**(a) What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

The following provisions of the Criminal Law of the FR of Yugoslavia are relevant to the fulfilment of the above obligations:

- Article 26 ("Criminal responsibility and punishment of organizers of a criminal association"), providing for responsibility of a person who, for the purpose of committing a criminal act, created or used an organization, gang, conspiracy, group or another association, regardless of whether and in what capacity that person took part in the commission of some of these acts. Such a person shall be held responsible as though he/she himself/herself committed these acts.
- Article 254 ("Association for the purpose of committing criminal acts covered by the Federal Law"). In its basic form (para. 1), the act involves a person establishing a group aimed at committing criminal acts covered by the Federal Law, punishable with five or more years in prison. The establishment of a group is a criminal act in itself and it is not necessary that an act for which the group has been established be committed. If even one of these acts has been committed, the perpetrator of the act from para. 1 is held responsible under the provisions of Article 26 of the Criminal Code of the FR of Yugoslavia. Membership in the group (para. 2) is also punishable, but with a more lenient punishment – one year in prison. Paras. 3 and 4 provide for a more lenient punishment, i.e. the possibility of acquittal for members or the organizer of a group who exposes the group.
- Article 253 ("Plotting to commit a criminal act covered by the Federal Law"). This criminal act is committed if at least two persons conspire to commit a criminal act, punishable with five or more years in prison or by a more severe punishment. This act is punishable with up to one year in prison.

As for providing arms to terrorists, a person supplying arms to terrorists shall be held responsible under Article 24 ("Incitement"). Under the Article, a person who knowingly helps another person to commit a criminal act shall be punished as though he/she himself/herself committed it. He/she may also be punished more leniently, depending on the circumstances of a case. In certain cases, the application of Article 33 of the Law on Weapons and Ammunition may be considered, providing for the punishment of illegal purchase, holding, carrying, manufacture, trade or sale of firearms, ammunition or explosive substances. The commission of the basic act qualified in para. 1 relative to arms, ammunition or explosive devices, the production of, and trade in, which are legal, is punishable with six months to three years in prison, while the commission of the form of the act qualified in para. 2 relative to arms, ammunition or explosive devices, the production of, and trade in, of which are illegal, is punishable with one to five years in prison. The commission of the form of the act qualified in para.3 relative to large quantities of items from paras. 1 and 2 or sprinkler and gas bombs, firearms, ammunition or explosive substances of high destruction power is punishable with at least three years in prison.

**(b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?**

The Federal Ministry of the Interior and the Ministries of Interior of the Republics of Serbia and Montenegro are responsible for taking measures against terrorism and terrorists in the territory of the FR of Yugoslavia. The Federal Ministry of the Interior is in charge of the enforcement of federal laws, maintenance of international cooperation, implementation of international agreements, protection of foreign diplomatic and consular missions and other issues of cooperation. The Ministries of the Interior of the two Republics are in charge of operations in the field, prevention and detection of criminal acts and their perpetrators, their arrest and the bringing of criminal charges against them.

Under the Constitution and the laws and within the scope of its powers, the Army of Yugoslavia also takes measures to combat terrorism. Under the Law on Crossing the State Border and Movement in the Border Area, it guards the State border 2,445 km long outside border crossings and populated areas. A part of the border of the FR of Yugoslavia (295 km) in the territory of Kosovo and Metohija with the Republic of Macedonia and the Republic of Albania is controlled by KFOR. Alongside KFOR, the Army of Yugoslavia guards the administrative boundary with Kosovo and Metohija 420 km long, including 27 check-points.

After 11 September 2001, security measures at all levels and in all areas have been strengthened. Special attention has been accorded to the protection of major State and economic facilities: airports, ports, railroad and bus stations and more stringent control of traffic and the movement of foreigners, passengers and luggage introduced. Security measures for all State and other important facilities have been also tightened, while special measures have been introduced regarding the reception, processing and delivery of mail.

The number of police officers providing outside protection to diplomatic and consular missions in Belgrade has also been increased.

In view of the security problems in Kosovo and Metohija and in the area of the former Ground Safety Zone (southern Serbia) and taking into account the latest developments in the Republic of Macedonia, intelligence activities related to the early detection and prevention of terrorist acts and other forms of violence have been stepped up. The control of the crossing of the State border and the administrative boundary with Kosovo and Metohija has been tightened.

The Federal Minister of the Interior issued the Rules of Procedure, regulating space, premises, technical equipment and the method of conducting anti-terrorist inspection at airports ("Official Gazette of the FRY" No. 13/00) and the Rules of Procedure on weapons-handling methods and the search of persons and their luggage in public air-transport ("Official Gazette" No. 13/00). By the adoption of these Rules, the legal groundwork has been set in place for effective anti-terrorist inspection and tools have been provided to prevent terrorist attacks in the field of air transport in line with international obligations and standards.

Full attention has been given to preventive measures against bio-terrorism. They include increased food production controls, medical check-ups of workers in food industry and the sanitary-technical inspection of plants, storages and food processing units. The Centre of Toxicology of the Military Academy Hospital in Belgrade provides information and expert knowledge relative to the method of identification and prevention of biological agents.

Measures are being taken at border crossings and all over the country to uncover illegal groups smuggling firearms, explosive substances and explosives to and from the FR of Yugoslavia. In September and October 2001, two groups were uncovered and arrested in an attempt to smuggle a large quantity of firearms through the territory of the Republic of Serbia to foreign buyers.

There are specialized anti-terrorist units in the Ministries of the Interior of the two Republics and in the Army of Yugoslavia.

In the context of the reforms and organizational changes in the Ministry of the Interior of the Republic of Serbia two special units have been established – the Gendarmerie and the Agency to Combat Organized Crime. They are in charge of providing security against terrorist and other armed groups and devising measures and taking actions to detect, present evidence of, and solve criminal acts against humanity and international law.

**(c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.**

- See reply under operative paragraphs 2 (e) and 3 (f).

**(d) What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.**

- See reply under operative paragraph 2 (e).

**(e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

There is no special law in the Yugoslav criminal legislation that deals with all acts related to terrorism. Instead, these acts are dealt with in the following chapters of the Criminal Law of the FR of Yugoslavia:

- Chapter XV "Criminal acts against the security of the FRY" (Article 125);
- Chapter XVI "Criminal acts against humanity and international law" (Articles 155a, 155b and 155c);
- Chapter XXI "Criminal acts against traffic safety" (Articles 240 and 241), and
- Chapter XXII "Criminal acts against other social values" (Articles 247a and 247b).

The Yugoslav legislation recognizes two types of terrorism, internal, anti-State terrorism (Article 125) and international terrorism which comprises elements of foreign nature:

- **International terrorism** (Article 155a): minor offences are punishable with one to fifteen years in prison; grave offences are punishable with ten to forty years in prison;

- **Threats to persons under international protection** (Article 155b): minor offences are punishable with one to fifteen years in prison; causing death to one or more persons as a result of the commission of the offence is punishable with five to fifteen years in prison; the third form of the offence is punishable with ten to forty years in prison; a minor form of the offence qualified in para. 4 is punishable with one to ten years in prison;

- **Taking of hostages** (Article 155b): depending on the gravity and the consequences, the offence is punishable with one, fifteen or forty years in prison;

- **Hijacking of aircraft** (Article 240) and the endangering of the safety of aircraft (Article 241): the basic form of the offence is punishable with one to ten years in prison; grave forms of the offence are punishable with five to fifteen or ten to forty years in prison;

- **Illegal purchase and possession of nuclear substances** (Article 247a): the basic form of the offence is punishable with up to three years in prison; other forms are punishable with six months to five years or at least three to fifteen years in prison;

- **Endangering safety by nuclear substances** (Article 247b), minor offences are punishable with one to three years in prison; grave forms of the offence are punishable with three to fifteen years in prison.

The Yugoslav legislation does not provide for the punishment of the establishment of terrorist groups as a separate offence. However, general provisions on responsibility provide for criminal responsibility and punishment of organizers of criminal associations (Article 26).

**(f) What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.**

The FR of Yugoslavia is a member of INTERPOL and has bilateral agreements with a large number of countries on legal assistance and cooperation in the field of internal affairs.

**(g) How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc?**

Border crossing control is carried out at 85 border crossings by the law enforcement organs of the Republic of Serbia and the Republic of Montenegro, while border units of the Army of Yugoslavia provide security outside populated areas and border crossings for the purpose of preventing illegal crossings of the border and the violation of the regime of the border area.

Considering that the so-called Central European and Albanian Adriatic routes of international East/West illicit narcotics, arms and ammunition trade channels and illegal migration flows transit the territory of the FR of

Yugoslavia, the competent authorities of the FR of Yugoslavia have stepped up their cooperation with international organizations in order to detect and prevent these activities.

Measures have been taken to tighten the security of the State border, particularly with a view to controlling illegal immigration. At the end of September 2001, a group of foreign nationals was detected in an attempt to illegally cross the Danube from Romania and enter the FR of Yugoslavia en route to Western Europe. A large group of nationals of various Asian countries entered the FR of Yugoslavia from Bulgaria. Following their apprehension, extensive interrogation was carried out to establish the identity of the members of the group and decide their status. Four persons were deported and 28 were admitted to the UNHCR-sponsored detention centre.

To prevent the FR of Yugoslavia from being used as a transit country for illegal immigration to Western Europe and as part of preventive measures against international terrorism, the FR of Yugoslavia has tightened the control of the entry of foreign nationals. If they fail to meet requisite conditions, they are returned to the country of origin. In principle, visas are issued on the basis of prior approval by the competent authorities, whereby special attention is paid to certain high-risk categories. Control of passengers and their luggage and travel documents has been stepped up, including through checks into police records.

The Federal Ministry of the Interior has been actively engaged in the elaboration of the project of the Council of Europe "Prevention of illegal transport of nuclear and radio-active material to the FR of Yugoslavia". The project was initiated as a result of repeated attempts to bring illegally into the FR of Yugoslavia radiation contaminated materials (at the Preševo border crossing to the Republic of Macedonia and the Veliko Gradište border crossing to Romania). The project is aimed at preventing illegal import of materials with prohibited levels of radiation, as well as other substances that may be contaminated or used for terrorist purposes. In that connection, plans have been devised in cooperation with the International Atomic Energy Agency to equip Yugoslav border crossings and to train its border police.

**Operative paragraph 3**

**(a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?**

Exchange of information with INTERPOL has been intensified on perpetrators of terrorist acts and members of terrorist organizations already in police records. The lists of persons wanted for terrorism have been updated and their names have been forwarded to the Ministries of the Interior of the two Republics.

Contacts have been established with the intelligence department of the UNMIK police in Kosovo and Metohija with a view to exchanging operative information and data related to terrorism and organized crime.

Following the resumption of its membership in INTERPOL, the FR of Yugoslavia expects other members to extend necessary technical assistance and expertise, so that it could re-establish police cooperation with, and benefit from the experience of, other countries and address the joint fight against terrorism successfully.

**(b) What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?**

As to cooperation with police forces of neighbouring and other countries, the question of cooperation in the fight against international terrorism is regularly discussed at bilateral and multilateral meetings and the need for an exchange of information and the taking of joint measures in this area is emphasized.

**(c) What steps have been taken to cooperate in the areas indicated in this sub-paragraph?**

As to bilateral cooperation with the police of INTEPOL member countries, an exchange of information on persons and circumstances containing elements of organized crime and their connection with international terrorism has been intensified.

Within the Regional Working Group for a joint implementation of laws against illegal migration and organized crime, organized by UNMIBH and comprising the FR of Yugoslavia, Bosnia and Herzegovina, Republic of Croatia, Federation of Bosnia and Herzegovina and Republika Srpska, an exchange of information has been intensified on persons and instances related to terrorism (stay in the territories of those countries, contacts, activities and links to organized crime). An expert working group to deal exclusively with terrorism will soon become operational. In that connection, a database of persons connected with, and instances of, terrorism and a more effective exchange of information are being considered.

International legal assistance is regulated in Yugoslav legislation by the Law on Criminal Proceedure. It encompasses general aspects of legal assistance (execution of process-related actions, such as the questioning of defendants, witnesses and forensic experts, on-site investigation, search of premises and individuals, seizure of items, service of summons and other documents related to criminal proceedings), cession and takeover of prosecution, execution of foreign court rulings (transfer of the sentenced persons) and the extradition of defendants and sentenced persons. In the absence of an agreement with a country, the provisions of this Law are applied on a subsidiary basis. The FR of Yugoslavia acceded to multilateral international agreements regulating this type of cooperation and concluded 33 bilateral agreements with 25 States providing for various forms of legal assistance in criminal matters.

The FR of Yugoslavia ratified the Convention on the Transfer of Sentenced Persons, European Convention on Extradition with its Protocols, European Convention on Mutual Assistance in Criminal Matters with its Protocols and the European Convention on the Transfer of Proceedings in Criminal Matters. Preparations are under way to ratify the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the European Convention on the International Validity of Criminal Judgments.

**(d) What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?**

On the basis of the successor statement, the FR of Yugoslavia acceded to the following international conventions:

- Convention on Offences and Certain Other Acts Committed On Board Aircraft , 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, 1988;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;
- International Convention against the Taking of Hostages, 1979.

The FR of Yugoslavia also ratified the United Nations Convention Against Transnational Organized Crime and its Protocols and the European Convention on the Suppression of Terrorism.

On 12 November 2001 the FR of Yugoslavia signed the International Convention for the Suppression of the Financing of Terrorism of 1999 and initiated the procedure for its ratification.

Procedure is under way to accede to the following conventions: Convention on the Physical Protection of Nuclear Materials, 1980 (on the basis of the successor statement); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; Convention on the Marking of Plastic Explosives for the Purposes of Detection, 1991; and the International Convention for the Suppression of Terrorist Bombings, 1997.

**(e) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

The Law on the Amendment of the Criminal Law of the FR of Yugoslavia is under preparation with a view to incorporating, inter alia, into the existing Criminal Law new sanctions and to reviewing the existing ones so as to harmonize them with the International Conventions the country has ratified. The preparation of the Law will provide an opportunity to sanction the financing of terrorism as a separate offence in line with Article 2 of the International Convention for the Suppression of the Financing of Terrorism.

**(f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

Currently, no foreigner in the FR of Yugoslavia has been recognized the right to asylum under Article 44 of the Law on the Movement and Stay of Foreigners ("Official Gazette of the FRY" Nos. 56/80, 53/85, 30/80, 30/90 and 53/91). This Law contains mechanisms preventing foreigners in the FR of Yugoslavia to abuse their stay and engage in the preparation and carrying out of terrorist activities against the host country and other States. The provisions of this Law provide for measures banning entry into the FR of Yugoslavia, canceling temporary stay in, or expulsion from, the country.

In an effort to prevent illegal migration and to act in a prophylactic fashion against international terrorism, as of 1996 the FR of Yugoslavia has expanded its policy of readmission and concluded Agreements on readmission with 8 European Countries: Germany, the Netherlands, Sweden, Switzerland, Hungary, Bulgaria, Slovakia and Slovenia. Negotiations are under way to conclude similar agreements with other countries. Since August 2001, readmission has been successfully implemented in the practice with Germany and Switzerland, while draft agreements on readmission and the protocols thereto have been exchanged with Croatia, Bosnia and Herzegovina, Romania and Greece.

Under the provisions on the admission of foreigners into the Yugoslav citizenship from Article 12 of the Law on Yugoslav Citizenship, no foreigner constituting a security risk and, in particular, coming from a country known to provide haven to terrorists shall be granted Yugoslav citizenship.

**(g) What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.**

The FR of Yugoslavia ratified the European Convention for the Suppression of Terrorism that, in its Article 1, provides that, for the purposes of extradition between Contracting States, none of the following offences shall be regarded as a political offence connected with a political offence or as an offence inspired by political motives:

**a)** an offence within the scope of the **Convention** for the **Suppression** of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

**b)** an offence within the scope of the **Convention** for the **Suppression** of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

**c)** a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents;

**d)** an offence involving kidnapping, the taking of a hostage or serious unlawful detention;

**e)** an offence involving the use of bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons;

**f)** an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

According to Article 2 of the said Convention, for the purposes of extradition between Contracting States, a Contracting State may decide not to regard as a political offence or as an offence connected with a political offence or as an offence inspired by political motives a serious offence involving an act of violence, other than one covered by Article 1, against the life, integrity or liberty of a person.

In view of the fact that, under Article 16 of the Constitution of the FR of Yugoslavia, the confirmed international agreements published in accordance with the Constitution constitute an integral part of the internal legal system, it is indisputable that the ratification of the European Convention for the Suppression of Terrorism has created an obligation not to regard, for the purposes of extradition, the criminal acts of terrorism, covered by Articles 1 and 2 of the Convention, as political offences.

**Operative paragraph 4 – additional relevant information**

The FR of Yugoslavia has been faced with terrorism for quite some time now, particularly in Kosovo and Metohija, which threatens to spill over and cause crises in other parts of the Balkans. Under the direct influence of extremist and terrorist groups of Albanians in Kosovo and Metohija and with their logistic support and material assistance, including dispatch of men and weapons, as well as training of local combatants, terrorist acts have been committed in the former Ground Safety Zone in southern Serbia.

Yugoslav experience reveals that training and the supply of arms and equipment and the commission of terrorist acts in the territory of Kosovo and Metohija have been financed by and large from the head tax levied on all employed Albanians mostly in Western Europe or from the proceeds from the drug trafficking of the Albanian narco-mafia. This channel of terrorists' financing has not been closed, although some countries have taken measures to control the use of these funds registered in them as charities. The competent Yugoslav authorities provided the police in Western European countries timely information about the existence and purposes of these funds.

Under UNSC resolution 1244 and the Kumanovo Military Technical Agreement, international civil and security presences have been deployed in Kosovo and Metohija since 10 June 1999 and the Province has been administered by the United Nations ever since. Accordingly, the Yugoslav authorities have not been in the position to exercise effective authority in this area. However, the FR of Yugoslavia has followed the developments with great attention, particularly those in the field of security.

According to the information of the Yugoslav competent authorities, from the arrival of KFOR and UNMIK to Kosovo and Metohija until 17 November 2001, radical Albanian elements and groups of terrorists carried out 5,616 attacks in Kosovo and Metohija, which, under the Yugoslav laws referred to in para. 2 (e) of the Report, may be regarded terrorist attacks. 1,120 persons were killed, 1,179 wounded and 1,075 kidnapped in those attacks. In the same period, 1,212 attacks, incursions and provocations were carried out by the same category of perpetrators in the former Ground Safety Zone. 35 persons were killed, 107 wounded and 45 kidnapped in those attacks.

The terrorism has been suppressed by the joint efforts of Yugoslav military and police forces with the assistance and cooperation of the international community. These efforts provide a model to combat terrorism and an example of the use of peaceful and political means, with international support and cooperation.

* * *

The FR of Yugoslavia is ready to implement fully UNSC resolution 1373 and to abide by its international commitments vis-à-vis the fight against international terrorism. To that end, it is ready to cooperate with the United Nations and other international organizations, both at regional and bilateral levels.

To achieve these goals, the FR of Yugoslavia needs and would greatly appreciate appropriate international expert and technical assistance and is prepared to share legislative, legal and administrative experiences in the fight against international terrorism.